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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

EXAMINER

AKERS, GEOFFREY R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application <u>09/631806</u>	Applicant(s) <u>Brander</u>	
	Examiner <u>Alars, G</u>	Art Unit <u>3624</u>	Confirmation No. <u></u>

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 1/23/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-46 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-46 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- ☒ All ☐ Some ☐ None of the
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- ☐ Certified copies not received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment B(Paper #15) filed 1/23/03.
2. Claims 28,35,36 were amended. No new claims were added. None were deleted.
3. Claims 1-46 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-46 are rejected under 35 USC 103(a) as unpatentable over Hainonen(US Pat.

No: 6,418,326) in view of Hannula(US Pat. No: 6,366,893) and further in view of

Jachimowicz(US Pat. No: 5,789,733).The rejections as cited in the First Rejection are maintained.

6. As per claim 1 Heinonen teaches a system for processing payments between payors and payees using a communication by means of digital telephony(Abstract)(col 2 line 20-col 3 line 59). Heinonen teaches a first server interconnected with a telecommunications means with a storage means(col 5 line 42-col 6 line 3)(Fig 1) including account managment means(col 8 line 27-col 9 line 5).Heinonen does not specifically teach that the telecommunications means

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comprises a plurality of equipment. Hannula teaches this(Fig 1)(Fig 2)(Fig 3) as well as a storage means(Fig 4/DB1/DB2) as well as authorization of payments(Fig 6/21/20).Hannula does not specifically teach authorization means and verifying means in financial transactions.

Jachimowicz teaches authorization means and verifying means in processing financial transactions(col 3 lines 42-56). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula.Furthermore it would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula and further in view of Jachimowicz to teach the above. The motivation to combine Jachimowicz with Heinonen in view of Hannula is to teach a smart card electronic payment system having database security storage and which can facilitate financial payment transactions as enunciated by Jachimowicz(col 1 lines 46-59).

7. As per claim 2 Heinonem teaches a system according to claim 1 where the admissiable identification code is given from network address(col 6 lines 25-41).

8. As per claim 3 Heinonem teaches a system according to claim 1 where the verifying means verify the payor's admissible number from a code received(col 8 line 45-63).

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9. As per claims 4-8 Hannula teaches a system according to claim 1 wherein the acceptance messages generated by the verifying means generates an order to the telecommunications means (Abstract) to communicate with the mobile telephone (col 2 lines 20-55) (Fig 2) (col 4 lines 23-50). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time (col 1 lines 50-54) (col 1 line 66-col 2 line 2) as enunciated by Hannula. Furthermore it would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula and further in view of Jachimowicz to teach the above. The motivation to combine Jachimowicz with Heinonen in view of Hannula is to teach a smart card electronic payment system having database security storage and which can facilitate financial payment transactions as enunciated by Jachimowicz (col 1 lines 46-59).

10. As per claims 9-16 Heinonen teaches a system according to claims 7-9, 11, 1, 15 respectively whereby the account management means comprises a first transmission means transmitting credit to an administration and management server that comprises a payee's data bank (col 3 lines 40-60) (Fig 6) (col 8 lines 45-col 9 line 5) (col 10 lines 1-67).

11. As per claims 17, 21-27 Hannula teaches a system according to claim 15 where the verification means verify whether the safety parameter contains a result of a self-verification. Hannula teaches digital money protocols (col 45 line 4-col 5 line 18). Hannula also teaches a

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price for each product(col 5 lines 31-65) in transactions and money transfer(col 7 lines 31-col 8 line 12). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above and to apply encryption to the verification process when applied to protocols for networks. The motivation to combine is to teach an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula. Furthermore it would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula and further in view of Jachimowicz to teach the above. The motivation to combine Jachimowicz with Heinonen in view of Hannula is to teach a smart card electronic payment system having database security storage and which can facilitate financial payment transactions as enunciated by Jachimowicz(col 1 lines 46-59).

12. As per claims 18-19 Heinonen teaches the use of a safety parameter(Fig 4a-1/106)(col 10 lines 22-56).

13. As per claims 30-34 Hannula teaches a storage means(Fig 1)(Fig 2)(Fig 3)(Fig 4/DB1/DB2) as well as authorization of payments(Fig 6/21/20). Hannula does not specifically teach authorization means and verifying means in financial transactions. Jachimowicz teaches authorization means and verifying means in processing financial transactions(col 3 lines 42-56). It would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula to teach part of the above. The motivation to combine is to teach

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an electronic payment system in telecommunications that provides mobile stations with payment mechanisms that would satisfy the needs of as many users as possible and that would not have to be changed for a long time(col 1 lines 50-54)(col 1 line 66-col 2 line 2) as enunciated by Hannula. Furthermore it would have been obvious to one skilled in the art at the time of the invention to combine Heinonen in view of Hannula and further in view of Jachimowicz to teach the above. The motivation to combine Jachimowicz with Heinonen in view of Hannula is to teach a smart card electronic payment system having database security storage and which can facilitate financial payment transactions as enunciated by Jachimowicz(col 1 lines 46-59).

14. As per claims 37-44 Heinonen teaches a server with inquiry means(Fig 4b-1/118/121)(Fig 4b-2/123/125) with respect to telephone numbers and codes.

15. Claims 45 and 46 are rejected under the same rationale as delineated in claims 1-44 above.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 28-29,35-36 are rejected under 35 USC 112(2nd) as failing to point out and specifically address the characteristics of the invention. A clearer and more precise resolution of these claims in the light of the rest of the delineation is required to address the distinctions.

Response to Arguments

17. Applicant's arguments filed 1/23/03 have been fully considered but they are not persuasive. Heinomen teaches telecommunications means(Fig 6)(col 8 line 10-44).Heinomen

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further teaches that the application can be switched to computer mode for transactions and money management(col 10 lines 8-21).Hannula teaches different payment protocols for security(Fig 1)(col 4 lines 4-50) and a communications network(col 6 line 20-col 7 line 24) as well as a switching means.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are

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unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA/Primary

March 11, 2003